## Kansas Department of Agriculture / Division of Water Resources <u>Stockton</u> Field Office

TO: HEADQUARTERS	
RE Vested Right; Water Right; App	ropriation of Water;
File No(s). 22, 253 + 34, 5	2 County NT
Enclosed are the following checked items:	
Proposed Certificate to deliver to Certificate	Meter Order: ☐ GMD#4 ☐ Lower Smoky
☐ A Compliance Check Inspection on ☐ Meter Install ☐ New App ☐ Chg App ☐ ☐ In Compliance ☐ Not in Compliance, why Modify Point of Diversion ☐ No ☐ Yes, doe Indicate all overlapping p/d files	Other
An application and judgment sheet with recomme A memorandum dated  A request for an extension of time to perfect or co	
A verified report.	
<ul><li>☐ A closure request.</li><li>☐ A field investigation report.</li><li>☐ Notice of Non-Compliance</li></ul>	
Violation An ownership change (name(s) and address(es) t A water use report for A letter dated	
☐ A copy of an <u>Approval</u> to Change the ☐ place of ☐ Filing Fee attached.	use and/or  point of diversion,
An Advanced copy of a change application and office. \$400.00 + NANOW	the filing fee, to be processed at the field
An original field office change application and review and further processing.	the filing fee needing headquarters office
Other: ADVANCE	COPY
1/101	
(Ihlkel)	8-14-17
Assistant Water Commissioner	Date

Kansas

Department of Agriculture

Division of Water Resources

Stockton Field Office 820 S. Walnut Stockton, Kansas 67669-0192

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Kelly Stewart, Water Commissioner www.agriculture.ks.gov Sam Brownback, Governor

Phone: (785) 425-6787

Fax: (785) 425-6842

August 14, 2017

DONALD E & MARILYN S LOWRY 21884 STATE HIGHWAY 383 ALMENA, KS 67622-9680

Re: Water Right, File No. 22,253 & 34,512

Dear Mr. & Mrs. Lowry:

This is to advise you that Nelson Farms has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion(s) under the above referenced application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the complete application posted by water right file number as referenced above at <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Mark Billinger

Assistant Water Commissioner

MB:rh

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED

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	□ Place of Use □ Point of Diversion  under the water right which is the subject of this application in accordance with the conditions described below.																	
													ditions	desc	nbed t	elow.		
٦	The source of s	upply is	s:		⊠ G	round	water			Surfac	e wate	er						
١	Name and address of Applicant: Nelson Farms Inc.																	
F	PO Box 38 Lon	g Islan	id, KS	67647														
F	Phone Number:	(785)	854-50	000				Email	addres	ss:								
١	Name and addr	ess of	Water	Use C	orresp	onden	t: San	ne as a	above									
F	Phone Number:	(	)					Email	addres	SS:								
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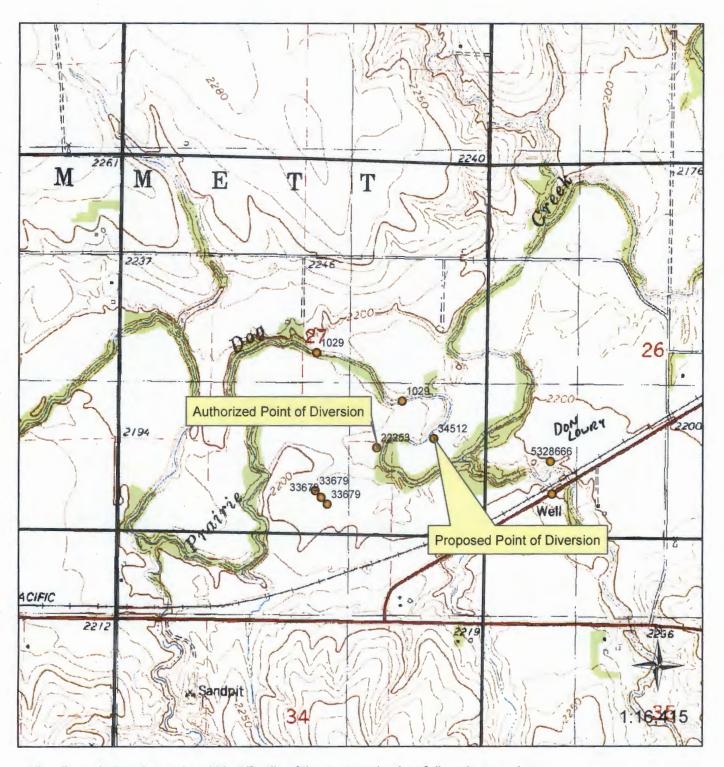
14. If the proposed groundwater point of diversion is 300 or fewer fee	et from existing point of diversion, complete the following:
<ul> <li>(a) Does the undersigned represent all owners of the currently a</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If no, all owners must sign this a)</li> </ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently au affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	application.)
(c) If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all own agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or aff age and the owner, the spouse of the owner, or a duly auth their behalf, in regards to the water right(s) to which this contained in this application are true, correct and complete	horized agent of the owner(s) to make this application on application pertains. I further verify that the statements e.
Dated at Stocklen, Kansas, t	day of 1 vg vst, 20 / /
(Please Plint)	Nelson (Spouse)  Nelson (Spouse)  Nelson (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS	
I hereby certify that the foregoing application was signed in August, 2017  REBECCA F. HAGEMAN My Appointment Expires June 29, 2019	my presence and sworn to before me this IIFN day of Rotary Public Notary Public
My Commission Expires	1
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	
FEE SCHI	EDULE
Each application to change the place of use or the point of diversion upon the schedule below: Make checks payable to: Kansas Depar (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300	under this section shall be accompanied by the application fee set
	DECEIVED

Stockton Field Office

## SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro	s Summary Order is issued under authority of K.S.A. 82a-7 visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a</i> h the exception of those conditions expressly contained he limitations of File No. 22,253	a-701 et. seq., and rules and regulat	ions promulgated thereunder,
1.	A change application was received on diversion authorized under the above-referenced file num	requesting that the other be changed as described in the	place of use and / or point of application.
2.	On and after the effective date of this summary order, the on the topographic map accompanying the application to	authorized place(s) of use shall be look change the place of use.   Application	ocated substantially as shown able  Not Applicable
3.	The change in point of diversion shall not impair existing rig previously authorized. The point of diversion authorized radius of the authorized point(s) of diversion. ☐ Applica	by this summary order shall be locate	source or sources of water as ed within a foot
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.   Applicable   N	y be located more thanot Applicable	feet from the previously
5.	As required by K.A.R. 5-3-5d, if the works for diversion is tube or other device suitable for making water level accordance with K.A.R. 5-6-13.	measurements shall be installed,	gallons per minute or more, a operated and maintained in
6.	The owner of the authorized place(s) of use shall proceember 31, 20, or before the first use of water operated and maintained in accordance with K.A.R. 5-1 and K.A.R. 5-3-5e, the owner shall maintain records and water diverted annually to the Chief Engineer by March 1 Applicable Not Applicable	roperly install an acceptable water, whichever occurs first. The water -4 through 5-1-12. As required by I report the reading of the water flow	flow meter shall be installed, K.S.A. 82a-732, as amended, meter and the total quantity of
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form pro Applicable    Not Applicable	e applicant shall notify the Chief Eng	ineer that construction of the
8.	The completed well log shall be submitted with the requ	uired notice.	□ Not Applicable
9.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve cap check valve(s) shall be installed, operated and mainta Applicable	able of preventing pollution of the so	urce of the water supply. The
10.	Additional Conditions are attached.  Yes No		
11.	In accordance with K.S.A. 82a-708a, as amended, and K. water appropriated under the above-referenced file numlimitations, as amended and/or supplemented by this Su Appropriation Law and the Rules and Regulations promresult in civil penalties pursuant to K.S.A. 82a-737, as a water or appropriation right or any other enforcement act	nber are responsible for compliance immary Order, and with applicable propertion to complianted thereunder. Failure to complemended, and/or the suspension or re-	with its terms, conditions and ovisions of the <i>Kansas Water</i> ply with these provisions may
	Administrative Appeal and Effective Date of Order	FOR OFFICE	
If vo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION A	
you	may request an evidentiary hearing before the Chief	SUMMARY OF	RDER ISSUED
Agr	lineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be	T.I.	ARRIVE F
filed	d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	By: Assign - Appendix	
day	s pursuant to K.S.A. 77-531. Any request for administrative	Duly Authorized Designs	ee of the Chief Engineer
File	ew must state a basis for review pursuant to K.S.A. 77-527. any request with Kansas Department of Agriculture,	(Print Name):	ansas Department of Agriculture
665	al Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	Date of Issuance:	
pre	clude review under the Kansas Judicial Review Act.  For Use by Register of Deeds	State of Kansas	) ) SS
		County of	_ )
		Acknowledged before me on	
		by	
		Signature:	
		N	lotary Public
		My commission aurires	
		My commission expires:	(Notary Seal)
DW	R 1-121 (Revised 07/10/2017)	age 4	File No. 22,253

## Application to Change the Point of Diversion Water Right File No. 22,253



All wells, including domestic, within 1/2 mile of the proposed point of diversion are shown.

B-11-2017

RECEIVED

AUG 11 2017

Stockton Field Office Division of Water Resources